

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, DECEMBER 14, 2004**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, December 14, 2004 in the Kiva, City Hall, at 5:04 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Robert Littlefield  
Council Members Betty Drake, Wayne Ecton,  
W.J. "Jim" Lane, Ron McCullagh, and Kevin Osterman

Also Present: City Manager Jan Dolan  
City Attorney Joseph Bertoldo  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE**

- Girl Scout Troop #2259, 4<sup>th</sup> Grade, All Saints Episcopal Day School

**INVOCATION** - None

**PUBLIC COMMENT**

**Megan Wells, Meagan Pagels, Mary Linker, and Elizabeth Sydnor**, of Our Lady of Perpetual Help, presented the results of their science project on gray water systems, as well as results from a survey indicating 71% of the respondents did not know what gray water was. The students support a law mandating gray water systems in new homes.

**Susan Wood**, 9630 E Yucca St, 85262, presented a video regarding proposed traffic-calming near 96<sup>th</sup> Street, expressed concern about the lack of public involvement in the construction of traffic calming devices, and requested a halt to the project.

**Charles Wood**, 9630 E Yucca, 85260, also spoke in opposition to the 96<sup>th</sup> Street traffic-calming project.

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## **CONSENT AGENDA        ITEMS 1 - 17**

Mayor Manross announced that Item 6 would be continued and Item 12 would be removed from the Consent Agenda for separate discussion and action.

### **1.     Desert Mountain Parcel 16 General Plan Amendment and Rezoning**

#### **Requests:**

1. Approve a non-major General Plan Amendment from Commercial to Urban Neighborhoods on an approximately 14.9-acre parcel located at 10525 N. Desert Hills Drive.
2. Approve rezoning from Central Business District, Environmentally Sensitive Lands (C-2 ESL) to Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R ESL).
3. Adopt Resolution No. 6585 affirming the above General Plan Amendment.
4. Adopt Ordinance No. 3597 affirming the above rezoning.

**Location:** 10525 E. Desert Hills Drive (Southwest corner of Desert Hills Drive and Cave Creek Road)

**Reference:** 8-GP-2004 and 15-ZN-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

### **2.     Kalarama Apartments Abandonment**

#### **Requests:**

1. Abandon a fifty-foot wide right-of-way for the 77<sup>th</sup> Way/Kalarama Avenue cul-de-sac.
2. Dedicate a four-foot wide alley right-of-way.
3. Reserve water line and cable television public utility easements.
4. Adopt Resolution No. 6584 vacating and abandoning a public right-of-way.

**Location:** 4002 N. Kalarama Avenue

**Reference:** 16-AB-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

### **3.     Heitel Ranch Conditional Use Permit**

**Request:** Approve a conditional use permit for a Ranch on a 6.2 +/- acre parcel located at 8485 E. Dixileta Drive with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.

**Location:** 8485 E. Dixileta Drive

**Reference:** 27-UP-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Kira Wauwie, Project Coordination Manager, 480-312-7061, [kwauwie@scottsdaleaz.gov](mailto:kwauwie@scottsdaleaz.gov)

**4. Pfeffer Finishes Conditional Use Permit**

**Request:** Approve a conditional use permit for furniture refinishing on an approximately five-acre parcel located at 8350 E. Evans Road, Suite E-2 with Industrial Park (I-1) zoning.

**Location:** 8350 E. Evans Road, Suite E-2

**Reference:** 29-UP-2004

**Staff Contacts:** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

**5. The Saguaro Forest @ Desert Mountain Phase III, Unit 42 Final Plat**

**Request:** Approve the final plat for 23 single-family lots on 445.65+/- acres, as well as amended development standards.

**Location:** Chiracahua and 95th Street

**Reference:** 20-PP-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Greg Williams, Senior Planner, 480-312-4205, [gwilliams@scottsdaleaz.gov](mailto:gwilliams@scottsdaleaz.gov)

**6. Construction Bid Award for Stetson Drive Utility Relocation**

**Requests:**

1. Authorize Construction Bid Award No. 05PB046 for relocation of utilities into Stetson Drive to Achen-Gardner Engineering, L.L.C., the lowest responsive bidder, at their base bid of \$1,936,142.00.
2. Authorize the use of Arizona Public Service (APS) Aesthetic Funds in the approximate amount of \$400,000 to underground and convert existing overhead power lines in an alley on the Arizona Canal south bank to Stetson Drive between Scottsdale Road to Fifth Avenue.
3. Authorize payment of approximately \$20,000 to Prantco LLC for an eight-foot wide easement along Lot 1 (7088 East Fifth Avenue).
4. Authorize a capital contingency fund transfer in the amount of \$1,100,000 to CIP Account No. P0309 (Downtown Reinvestment).

**Related Policies, References:** On May 17, 2004, City Council approved Development Agreement No. 2004-034-COS for a South Bank Canal Mixed Use Development and Public Underground Parking Garage.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Bill Peifer, Sr. Project Manager, 480-312-77869, [bpeifer@scottsdaleaz.gov](mailto:bpeifer@scottsdaleaz.gov)

ITEM 6 WAS CONTINUED TO A DATE TO BE DETERMINED—NO ACTION WAS TAKEN.

**7. Renewal of Existing Multi-Year Contract for On-call Airport Planning and Engineering Services**

**Request:** Consider authorizing a one-year renewal of Contract No. 2003-161-COS with Gilbertson Associates, Inc. to provide engineering services for Scottsdale Airport.

This contract was originally approved by the City Council for three (3) years on November 3, 2003. The contract requires Airport staff to bring the contract to the City Council each year for renewal. During the first year, the contractor was paid approximately \$383,021 for engineering services rendered for both grant and non-grant funded projects. Of the total paid, an estimated \$30,642 was provided through the Aviation Enterprise fund. The balance was Federal Aviation Administration or Arizona Department of Transportation funding via grants. No City general funds were expended.  
**Related Policies, References:** Contract No. 2003-161-COS; Scottsdale Procurement Code.

**Staff Contact(s):** Mary O'Connor, General Manager-Transportation, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

**8. Sale of Water Resources Surplus City Property**

Adopt Resolution No. 6570 authorizing the sale of Lot 1, Desert Foothills North, Estates Unit Two, Assessor Parcel 211-63-008, located at the northeast corner of 48<sup>th</sup> Street and the Montgomery Road alignment in Scottsdale, Arizona, to Monica Castro in the amount of \$108,000.

**Related Policies, References:** Scottsdale Revised Code Section 2-221(a) allows the City to sell property to the highest and best bidder, but the City Council shall have the right to reject any and all bids.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Marshall Brown, Sr. Water Resources Engineer, 480-312-5683, [mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov); Rhonda Thomas, Right of Way Agent, 480-312-7847, [rthomas@scottsdaleaz.gov](mailto:rthomas@scottsdaleaz.gov)

**9. On-Call Engineering Services Contracts for the Design of Storm Water Systems Improvements**

**Requests:**

1. Authorize Engineering Services Contract No. 2004-156-COS with Stanley Consultants, in the amount of \$125,000 for the design of Storm Water Management Systems Improvements.
2. Authorize Engineering Services Contract No. 2004-157-COS with Engineering and Environmental Consultants (EEC), in the amount of \$125,000 for the design of Storm Water Management Systems Improvements.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); William Haas, Storm Water Planner, 480-312-7072, [Whaas@scottsdaleaz.gov](mailto:Whaas@scottsdaleaz.gov)

**10. Intergovernmental Agreement to Provide School Resource Officers**

**Request:** Adopt Resolution No. 6549 authorizing Intergovernmental Agreement (IGA) No. 2004-136-COS with the Cave Creek unified School District for the purpose of providing sworn police officers to serve as school resource officers at one (1) high school and two (2) middle school complexes.

**Related Policies, References:** The City is authorized to enter into this agreement pursuant to A.R.S. 11-952 and the Scottsdale City Charter, Article 1, 3-1.

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-5000, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov); Anthony Markos, Investigative Services Bureau Lieutenant, 480-312-6309, [amarkos@scottsdaleaz.gov](mailto:amarkos@scottsdaleaz.gov)

**11. Intergovernmental Agreement (IGA) with the City of Phoenix to Accept Federal Transit Administration (FTA) Grant for the Purchase of Two Trolleys**

**Request:** Adopt Resolution No. 6594 to authorize the acceptance of IGA #2004-161-COS between the cities of Scottsdale and Phoenix to enable the City to receive reimbursement of eligible expenditures under FTA Grant #AZ-90-X070 for the purchase of two trolleys. The grant was anticipated and included in the adopted capital and operating budgets for fiscal year 2004/05.

**Related Policies, References:** IGA #2004-161-COS; City Procurement Code; Code of Federal Regulations

**Staff Contact(s):** Mary O'Connor, General Manager-Transportation, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); David Meinhart, Transportation Planning Director, 480-312-7010, [dmeinhart@scottsdaleaz.gov](mailto:dmeinhart@scottsdaleaz.gov); Michael Spletter, Contract and Grant Coordinator, 480-312-7656, [mspletter@scottsdaleaz.gov](mailto:mspletter@scottsdaleaz.gov)

**12. CM@Risk Contract for Pre-Construction Services for WestWorld Multi-Purpose Exhibit Hall Building**

ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION—SEE PAGE 7.

**13. Required Fire Radio System Infrastructure Improvements**

**Requests:**

1. Authorize contract # 2004-155-COS with Communication Services Inc. (CSI), in the amount of \$1,354,803, for emergency contractual services required to complete critical design and construction as part of the required radio communication improvements for the municipal Fire Department. This contract includes the design and construction of: five (5) radio sites that require monopole antenna mounts and equipment buildings, one (1) radio site requiring a small antenna and equipment cabinet, modifications to the Civic Center radio site, and installation of radio equipment at a commercial site in Fountain Hills.
2. Authorize a fund transfer in the amount of \$950,000 from the CIP contingency for the additional expenditures on the remaining communications equipment and related expenditures required to complete the Fire Radio System Infrastructure Improvements, at a total estimated project cost of \$2,150,000.

**Related Policies, References:** Approval by City Council on September 7, 2004 of \$1.2 million to improve radio system infrastructure deficiencies.

**Staff Contact(s):** Brad Hartig, Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov);

Willie McDonald, Fire Chief, 480-312-1880, [wmcdonald@scottsdaleaz.gov](mailto:wmcdonald@scottsdaleaz.gov); Joe Hindman, Police Technology Director, 480-312-5072, [jhindman@scottsdaleaz.gov](mailto:jhindman@scottsdaleaz.gov)

STAFF WAS DIRECTED TO MAKE IT A PRIORITY FOR NEXT YEAR TO REPAY THE CONTINGENCY FUND MONIES USED FOR THIS EXPENSE. REPAYMENT IS TO BE MADE FROM PUBLIC SAFETY TAX MONIES.

**14. Fire Department Compensation Plan**

**Request:** Approve the Compensation Plan for the Scottsdale Municipal Fire Department.

**Related Policies, References:**

Council actions on September 7, 2004 to adopt Ordinance No. 3588 to create a Municipal Fire Department and authorize 256 full-time positions for the Fire Department (in addition to the Fire Chief).

Scottsdale Revised Code 14-22 relating to compensation and authorizing the City Manager to make amendments to the classification and compensation plan.

**Staff Contact(s):** Neal Shearer, Assistant City Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov); Joyce Lira, Human Resources Director, 480-312-2690, [jlira@scottsdaleaz.gov](mailto:jlira@scottsdaleaz.gov); Willie McDonald, Fire Chief, 480-312-1880, [wmcdonald@scottsdaleaz.gov](mailto:wmcdonald@scottsdaleaz.gov)

**15. Acquisition of Real Property to Facilitate Construction of an Arsenic Treatment Facility**

**Request:** Adopt Resolution No. 6589 authorizing the acquisition of 1,951 square feet of real property with improvements at 15230 N. 75th Street from 15230 N. 75th Street, L.L.C. in the amount of \$75,000, plus closing costs of approximately \$1,500. This parcel will be utilized as part of the future construction of an arsenic removal treatment facility for drinking water.

**Related Policies, References:**

- a. US Environmental Protection Agency Final Rule reducing the maximum level of arsenic allowed in drinking water dated January 24, 2001.
- b. Water Resources Master Plan, approved by City Council on October 15, 2001.
- c. Engineering Services Contract No. 2004-017-COS with CH2M Hill Consulting Services for the final design of two arsenic removal water treatment facilities, approved by City Council on March 16, 2004.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Stanley Seigal, Asset Management Coordinator, 480-312-7042, [sseigal@scottsdaleaz.gov](mailto:sseigal@scottsdaleaz.gov); Thyra Ryden-Diaz, P.E., Project Manager, 480-312-4327, [tryden-diaz@scottsdaleaz.gov](mailto:tryden-diaz@scottsdaleaz.gov)

**16. Settlement of Sydney OPC Development, LLC Claim**

**Request:** Consider adopting Resolution No. 6593 authorizing the Mayor to enter into a settlement agreement, Contract No. 2004-154-COS, in the amount of \$80,000, plus the construction of improvements valued at approximately \$25,000, in settlement of Sydney OPC Developments, LLC v. City of Scottsdale, CV2003-021442, in connection with the acquisition by the City of approximately 4,340 square feet of property on Cactus Road for a turn lane.

**Related Policies, References:** 26-ZN-88; 90-DR-1999#2; CIP S2103

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Bruce Washburn, Assistant City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); Bob Johnson, Project Manager, Capital Projects Management, 480-312-7054, [rmjohnson@scottsdaleaz.gov](mailto:rmjohnson@scottsdaleaz.gov)

**17. Authorize Settlement of lawsuit entitled Polan v. City of Scottsdale**

Adopt Resolution No. 6596 authorizing the Mayor to execute Settlement Agreement, Contract No. 2004-164-COS, to settle Polan v. City of Scottsdale, CV2002-021038, currently pending in Maricopa County Superior Court.

**Related Policies, References:** Prior Contract for legal services: Contract No. 970220.

**Staff Contact(s):** Joseph R. Bertoldo, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov);  
Sherry R. Scott, Assistant City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov);  
Michael Mason, Risk Claims Manager, 480-312-7040, [mmason@scottsdaleaz.gov](mailto:mmason@scottsdaleaz.gov)

#### **MOTION AND VOTE – CONSENT AGENDA ITEMS 1-17**

VICE MAYOR LITTLEFIELD MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1-5, 7-11, AND 13-17 (INCLUDING THE DIRECTION GIVEN DURING THE DISCUSSION FOR ITEM 13 THAT STAFF WAS TO MAKE IT A PRIORITY FOR NEXT YEAR TO REPAY THE CONTINGENCY FUND MONIES AUTHORIZED FOR THIS EXPENSE. REPAYMENT IS TO BE MADE FROM PUBLIC SAFETY TAX MONIES). COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 7-0.

ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

#### **12. CM@Risk Contract for Pre-Construction Services for WestWorld Multi-Purpose Exhibit Hall Building**

**Request:** Authorize CM@Risk Contract No. 2004-001 with Hunt Construction Group in the amount of \$225,252 for pre-construction services for the new WestWorld Multi-Purpose Exhibit Hall Building.

Related Policies, References:

- Development Review Board (Case #41-DR-2003) July 10, 2003 – WestWorld Design Guidelines
- City Council – WestWorld Master Development Plan, March 18, 2003
- Planning Commission (Case # 20-ZN-1995#2) January 28, 2003 – WestWorld Master Development Plan
- Development Review Board (Case #116-DR-93 #2, 3, and 4) May 1994 related to WestWorld entry signage, re-vegetation, and Western Theme Park

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Corey E. Lew, Project Manager, (480) 312-7769, [clew@scottsdaleaz.gov](mailto:clew@scottsdaleaz.gov)

Council discussion focused on:

- Concern regarding the proposed uses for the Exhibit Hall and whether or not they supported equestrian uses.
- The impact construction will have on some of the horse shows (specifically the Scottsdale Arabian Show).

#### **MOTION AND VOTE – ITEM 12**

COUNCILMAN ECTON MOVED FOR APPROVAL OF OPTION A IN ITEM 12. COUNCILMAN OSTERMAN SECONDED THE MOTION WHICH CARRIED 6-1, WITH COUNCILMEMBER DRAKE DISSENTING.

#### **REGULAR AGENDA      ITEMS 18 - 21**

Mayor Manross announced that Item 21 had been withdrawn.

**18. Foothills Academy Conditional Use Permit**

**Request:** Consider revocation process for 30-UP-2000, a conditional use permit for Foothills Academy

**Location:** 7191 E. Ashler Hills Drive

**Reference:** 30-UP-2000

**Staff Contacts:** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Kurt Jones, Current Planning Director, 480-312-2524, [kjones@scottsdaleaz.gov](mailto:kjones@scottsdaleaz.gov)

A staff presentation provided background, enforcement activity, and current options for the case: 1) Withhold action at this time (staff's recommendation based on commitments by the school); 2) Do not schedule a revocation hearing; 3) Schedule a revocation hearing.

Public testimony opened:

**Tony Nelssen**, 7736 E Redbird Rd, supported an extension for the school and also acknowledged impacts to the area. He suggested Council review the Foothills tapes.

**David Maass**, 32217 N 71<sup>st</sup> PI, 85262, did not wish to see the school closed, but wanted all the use conditions enforced.

Public testimony closed.

Discussion:

- The attorney for the applicant asked Council to grant a delay in any action until the next school year, so no students would have to be asked to leave, and indicated that the school will abide by whatever decision the Council makes.
- The applicant has filed an amendment to the use permit requesting consideration of some leeway (perhaps 15%) in capacity with the goal of having 250 at the end of the year.
- Some councilmembers were hesitant to withhold action on those who violated trust and regulations, but also did not want to penalize students.

**MOTION AND VOTE – ITEM 18**

COUNCILMAN ECTON MOVED TO APPROVE OPTION 1.1—STAFF WILL SUSPEND OR WITHDRAW THE REVOCATION PROCESS AND CONTINUE WITH THE ENFORCEMENT PROCESS. COUNCILMEMBER DRAKE SECONDED THE MOTION WHICH CARRIED 7-0.

**19. The Coach House Conditional Use Permit**

**Request:** Approve a conditional use permit for a bar on a 3,700 +/- square foot parcel located at 7011 E. Indian School Road with Central Business District, Downtown Overlay (C-2, DO) zoning.

**Location:** 7011 E. Indian School Road

**Reference:** 19-UP-2004



**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Bill Verschuren, Senior Planner, 480-312-7734, [bverschuren@scottsdaleaz.gov](mailto:bverschuren@scottsdaleaz.gov)

A staff presentation focused on:

- Background and history of The Coach House.
- Clarification of how 13 parking spaces were calculated.
- Clarification regarding two surplus parking spaces in front of the bar.
- Grandfathering issues.
- The settlement agreement amended in March 2004.

Public testimony opened:

**Richard Funke**, 4409 N 66<sup>th</sup> St, 85257, spoke in support of the expansion, but not recycling the two parking spaces. He felt it was time the owner started playing by the rules and paid for the two spaces.

Public testimony closed.

Council discussion:

- There should be consistency in city policy.
- Two parking spaces were not specifically addressed in the settlement agreement.
- When the settlement agreement was amended in March 2004, the intent was to make things even and start at zero.
- The use of the word 'surplus' in previous documents has caused a dilemma.
- There have been many non-conforming issues with The Coach House in the past.

#### **MOTION – ITEM 19**

COUNCILMAN ECTON MOVED TO APPROVE THE CONDITIONAL USE PERMIT WITH THE STIPULATION REQUIRING PAYMENT FOR THE 1.29 ADDITIONAL PARKING SPACES AND PROHIBITING ADDITIONAL OUTDOOR SPEAKERS (THE EXISTING SPEAKERS MAY REMAIN). VICE MAYOR LITTLEFIELD SECONDED THE MOTION.

Further discussion ensued:

- Coach House was trying to support the character of downtown and these unique, local types of places needed to be encouraged.
- There should be a review of how parking spaces are calculated in all of downtown.
- The intent is not clear in the settlement documents.
- The issue was not whether or not a business deserved consideration, it was a matter of equal treatment.
- The applicant was willing to stipulate that if tonight's request was approved, the applicant would agree to pay for any future parking spaces.

## **VOTE – ITEM 19**

THE MOTION TO APPROVE THE CONDITIONAL USE PERMIT WITH THE STIPULATION REQUIRING PAYMENT FOR THE 1.29 ADDITIONAL PARKING SPACES AND PROHIBITING ADDITIONAL OUTDOOR SPEAKERS (EXISTING SPEAKERS MAY REMAIN) CARRIED 4-3, WITH COUNCILMEMBERS DRAKE, LANE, AND OSTERMAN DISSENTING.

### **20. Drift Rezoning**

#### **Requests:**

1. Approve rezoning from Highway Commercial with Parking District 3 and Downtown Overlays and Passenger Automobile Parking with Downtown Overlay (C-3/P-3 DO and P-2 DO) to Central Business District with Parking District 3 and Downtown Overlays (C-2/P-3 DO) on a parcel located at 4341 N. 75<sup>th</sup> Street.
2. Approve a conditional use permit for bar located at 4341 N. 75<sup>th</sup> Street.
3. Adopt Ordinance No. 3598 affirming the above rezoning.

**Location:** 4341 N. 75th Street

**Reference:** 6-ZN-2004 and 16-UP-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

Staff reviewed plans for an outdoor bar with a pool and jacuzzi and recommended denial due to concerns of potential impacts with pool use and alcohol consumption. The Planning Commission recommended approval four to one, but expressed concerns regarding safety, operational issues, and city policies.

Greg Donnally, the applicant, addressed each concern expressed by the Planning Commission by presenting photos of pools at nearby hotels and describing the safeguards Drift will have in place to alleviate concerns.

The City Attorney responded to a concern, saying the city would not be liable if someone drowned in a hotel pool or in this proposed pool; that would be a risk of the owner.

Public testimony opened:

**Flip Weber**, 8502 E Krail St, 85250, expressed support of the application, identifying Drift as a superb establishment.

Public testimony closed.

Council discussion:

- The proposed use was not what some envisioned for downtown.
- Regardless of what the use was, there were concerns with the loss of parking.
- The proposal sounded innovative and fun, with no city liability.
- It was a creative idea but comparison with hotels was not valid.
- Concerns were expressed that, with younger folks and drinking involved, things could get out of control.
- Some felt this was a reasonable use for an entertainment district.
- Some felt the idea was creative and edgy and they were willing to give it a try.

## **MOTION AND VOTE – ITEM 20**

VICE MAYOR LITTLEFIELD MOVED TO APPROVE THE REZONING REQUEST AND CONDITIONAL USE PERMIT WITH A DURATION OF ONE YEAR. COUNCILMAN LANE SECONDED THE MOTION WHICH FAILED 3-4, WITH MAYOR MANROSS AND COUNCILMEMBERS ECTON, MCCULLAGH, AND OSTERMAN DISSENTING.

### **21. Consideration of a Citizens' Petition**

**Request:** Subsequent to the submission of the citizens' petition at the November 16, 2004, City Council meeting, staff added this item to the agenda to permit the City Council to consider the petition within the 30 days, as required by the City Charter, Art. 2, Sec. 16. The petition requests that the City Council schedule a public hearing on the Mountain View Road traffic-calming project.

**Related Policies, References:** Art. 2, Sec. 16 Scottsdale Charter (consideration of citizen petitions within 30 days)

**Staff Contact(s):** Mary O'Connor, General Manager-Transportation, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov)

ITEM #21 WAS WITHDRAWN. NO ACTION WAS TAKEN.

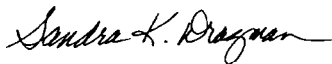
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

## **ADJOURNMENT**

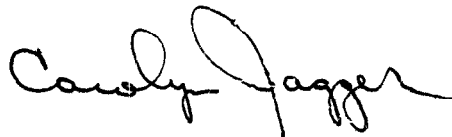
With no further business to discuss, the meeting adjourned at 7:53 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk

Officially approved by the City Council on


January 11, 2005

## CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 14th day of December 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 11th day of January 2005.

  
\_\_\_\_\_  
CAROLYN JAGGER  
City Clerk